

### **REMARKS/ARGUMENTS**

Claims 25 and 30-42 are pending in the present application. Claims 25 and 30-42 have been canceled and new claims 43-68 have been added in the present amendment.

With respect to the rejections under 35 U.S.C. § 112, second paragraph, claims 25 and 30-34 have been canceled. New claims 43-68 have been added. At least two panels are connected along their sides and corners with struts or webs connecting to a cylindrical centerline element that is spaced apart from the sides and corners of the panels by brackets and collars respectively. So the connected panels are spaced apart from each other and rotatably positioned around the cylindrical centerline elements and vertices formed by intersecting centerline elements.

The following is a summary of fundamental differences between the "Fractionalized Cube Modular Construction System" of the present invention and the invention disclosed in the "Toy Construction Unit" of Fay.

1.     Fay: Consists of only 3 basic panel shapes – FIGS. 1, 2, 3 – 5, 6, 7.  
       Present Invention: Consists of 59 panel shapes – FIGS. 2a, b, c, d, e.
2.     Fay: Panels are completely symmetrical – FIGS. 1, 2, 3, 4, 5, 6, 7.  
       Present Invention: Panels are symmetrical and asymmetrical – FIGS. 2a-2e.
3.     Fay: Can have only two panels connected about any given axis – FIG. 11.  
       Present Invention: May have a plurality of panels connected about a given axis – FIG. 11C.

4. Fay: The connection axis is offset with respect to the plane of the panels – FIG. 4 and FIG. 8.

Present Invention: The connection axis is centered exactly on the centerline of the plane of the panels – FIG. 11C.

5. Fay: Not capable of positioning more than two panels through 360 degrees because the connection axis is adjacent the panel sides and offset with respect to the plane of the panels – FIG. 11.

Present Invention: Capable of positioning a plurality of panels through 360 degrees because the connection axis is spaced-apart from the panel sides and centered exactly on the centerline of the plane of the panels – FIG. 11C.

6. Fay: Capable of enclosing only one volume within a panel assemblage – FIG. 10.

Present Invention: Capable of enclosing multiple volumes ad infinitum – FIGS. 7A - E.

7. Fay: Employs a continuous joint knuckle system – FIG. 10.

Present Invention: Employs isolated brackets and webs along panel sides and at vertices (struts) respectively – FIGS. 13, 14 – 15, 16.

8. Fay: Panel joinery at corners limited to x-y-z axes and 45 degree compliments only – FIG. 10.

Present Invention: Designed to accommodate panels complimentary through at least 290 angles about a given vertice – FIG. 9.

9. Fay: Knuckles and plate are integral – FIGS. 1,2,3 – 5, 6, 7.

Present Invention: Struts and centerline elements are spaced-apart and linked to each other by brackets and webs – FIGS. 14, 16 – 18, 19.

10. Fay: No space between knuckles and plate – FIGS. 1, 2, 3 – 5, 6, 7.

Present Invention: Space between struts and centerline elements provides a continuous chase for the placement of utility lines, etc. – FIGS 18, 19 – 22, 23.

11. Fay: Involves only one joinery system, overlapping knuckles and a pin – FIG. 10.

Present Invention: Involves two distinct joinery systems distinguished by webs and brackets – FIGS. 13, 14 – 15, 16.

12. Fay: Centerline element is a solid, full length, panel-side, pin – FIG. 9.

Present Invention: Centerline element is an open-ended cylinder segment designed to allow for the passage of utility lines – FIGS. 12-16.

13. Fay: System appropriate for small scale applications, plate thickness of  $\pm 1/8''$  -  $1/4''$  FIGS. 1-11.

Present Invention: System designed for architectural scale – panels  $\pm 4''$  –  $6''$  FIGS. 14, 16 – 25, 27.

It is quite apparent to the Applicant that the Fay reference, although involving a few similar patterns, is totally different and distinguishable from the present invention. It is inherently not applicable as a means for achieving the objectives sought by the Applicant in the development of the Fractionalized Cube Modular Construction System. The Fay construction unit has limited capabilities and it would be impossible to construct the structures shown in FIGS. 7A,B,C,D,E –

24A-B, 25, 26 and 27 of the present invention. In fact, it was to overcome the inherent limitations of systems such as illustrated in Fay that the Fractionalized Cube Modular Construction System of the present invention was developed.

In view of the amendments and remarks presented above, the Applicant believes that the application is now in condition for allowance, and respectfully requests reconsideration of the application, withdrawal of the rejections and allowance of the claims. No new matter has been added to the application. The Applicant respectfully requests that the Examiner telephone the undersigned in the event a telephone conference would be helpful in advancing prosecution of the application.

Respectfully submitted,

GODFREY & KAHN, S.C.

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By: William K. Baxter  
William K. Baxter  
Reg. No. 41,606

Attorneys of Record for Applicant  
GODFREY & KAHN, S.C.  
780 North Water Street  
Milwaukee, WI 53202-3590  
Telephone: 414-273-3500  
Facsimile: 414-273-5198  
Email: wbaxter@gklaw.com

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